

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

DAVID SAMBRANO ET AL.,

Plaintiffs,

v.

No. 4:21-cv-1074-P

UNITED AIRLINES, INC.,

Defendant.

ORDER

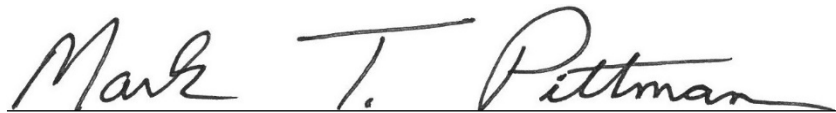
Before the Court is Plaintiffs' Motion for Injunction Pending Appeal ("Motion"), filed November 23, 2021. Pls.' Mot., ECF No. 118. Plaintiffs' Motion attempts to relitigate the issues and arguments that previously led the Court to deny Plaintiffs' Motion for Preliminary Injunction, as well as Plaintiffs' Motion for Reconsideration of the same. *See* Orders Denying PI & Denying Mot. to Recons., ECF Nos. 104, 115. As Plaintiffs requested, the Court issues this Order promptly so that the pending interlocutory appeal to the Fifth Circuit in this case may proceed expeditiously. *See* FED. R. APP. P. 8(a)(1)(C); *see also* Pls.' Mot. at n.1.

The Court concludes that, under binding precedent, Plaintiffs' latest request for injunctive relief must also be denied. To obtain an injunction pending appeal Plaintiffs must establish the following familiar elements: (1) a substantial likelihood of success on the merits; (2) a substantial threat of irreparable injury absent an injunction; (3) the threatened injury outweighs the threatened harm to the party against whom the injunction is sought; and (4) granting the injunction will not disserve the public interest. *See Weingarten Realty Invs. v. Miller*, 661 F.3d 904, 910 (5th Cir. 2011). Plaintiffs had the burden to these elements in their earlier requests for a preliminary injunction prior to filing their appeal. *Compare id.*, with *City of Dallas v. Delta Air Lines, Inc.*, 847 F.3d 279, 285 (5th Cir. 2017) (citation omitted).

The Court twice considered Plaintiffs' arguments that they were entitled to an injunction; the Court twice concluded that Plaintiffs failed to meet their burden to establish an essential element—a substantial threat of irreparable injury exists absent an injunction. *See* Orders Denying PI & Denying Mot. to Recons. The Court, therefore, denied Plaintiffs' Motion for Preliminary Injunction and their Motion for Reconsideration. *Id.* For the same reasons articulated in its previous Orders, the Court must also deny Plaintiffs' present Motion: Plaintiffs again failed to meet their burden on the irreparable harm element. The Court thus concludes that Plaintiffs are not entitled to injunctive relief pending appeal.

Accordingly, the Court **DENIES** Plaintiffs' Motion for Injunction Pending Appeal. ECF No. 118.

SO ORDERED on this **23rd day of November, 2021.**

A handwritten signature in black ink, reading "Mark T. Pittman". The signature is fluid and cursive, with the first name "Mark" and last name "Pittman" being more prominent than the middle initial "T.". The signature is written on a horizontal line.

Mark T. Pittman

UNITED STATES DISTRICT JUDGE